

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Schmidt et al.
Docket No.: 225.00010124
Title: CONTROL OF RESPIRATORY OXYGEN DELIVERY

Assistant Commissioner for Patents
Mail Stop PATENT APPLICATION
P.O. Box 1450
Alexandria, VA 22313-1450

22581 U.S. PTO
10/695436
1C2803

We are transmitting the following documents along with this Transmittal Sheet (which is submitted in triplicate):

UTILITY PATENT APPLICATION including:

Specification (57 consecutively numbered pgs, including 80 claims on 19 consecutively numbered pgs and a 1 pg Abstract);
 Drawings (4 Figures on 5 sheets);
 A signed Declaration and Power of Attorney (4 pgs).
 Application Data Sheet (3 pgs).
 An itemized return postcard.
 An Assignment of the invention to _____ and Recordation Form Cover Sheet.
 A check in the amount of \$40.00 to pay the Assignment Recording Fee.
 A certified copy of a _____ application, Serial No. _____, filed _____, the right of priority of which is claimed under 35 U.S.C. §119.
 Other: Request for Filing a Continuation Application Under Rule §1.53(b) (4 pages); Communication Regarding 37 C.F.R. §1.607(c) (1 page).
 PLEASE DEFER THE \$1,398 FILING FEE, which is calculated below:

Small Entity Status is entitled to be asserted in the above-identified application.

APPLICATION FILING FEE					
	Number of Pending Claims (1)	Claims Included in Basic Filing Fee (2)	Number of Extra Claims (1-2)	Cost per Extra Claim	Fee Required
Total Claims	80	20	60	x \$9 =	\$540
Independent Claims	14	3	11	x \$43 =	\$473
One or More Multiple Dependent Claims Presented? If Yes, Enter \$145 Here →					--
Enter Basic Filing Fee (Utility Patent-\$385) Here →					\$385
Total Application Filing Fee					\$1398

PLEASE DEFER THE FILING FEE

MUETING, RAASCH & GEBHARDT, P.A.
Customer Number: 26813

By: 
Name: Kevin W. Raasch
Reg. No.: 35,651
Direct Dial: 612-305-1218
Facsimile: 612-305-1228

CERTIFICATE UNDER 37 CFR §1.10:

"Express Mail" mailing label number: EV073736799US

Date of Deposit: 28 October 2003

I hereby certify that the Transmittal Letter and the paper(s) and/or fee(s), as described hereinabove, are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Mail Stop PATENT APPLICATION, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Sam Her
Name: Sam Her

(SMALL ENTITY TRANSMITTAL UNDER RULE 1.10)

PATENT
Docket No. 225.00010124

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Schmidt et al.) Group Art Unit: Unassigned
)
Serial No.: Unassigned) Examiner: Unassigned
Confirmation No.: Unassigned)
)
Filed: Herewith)
)
For: CONTROL OF RESPIRATORY OXYGEN DELIVERY

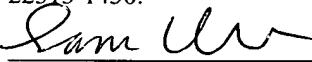
COMMUNICATION REGARDING 37 C.F.R. § 1.607(c)

MAIL STOP PATENT APPLICATION
Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In accordance with 37 C.F.R. § 1.607(c), Applicants wish to bring the Examiner's attention to the fact that the claims presented in connection with the continuation application may correspond exactly or substantially to all claims of U.S. Patent No. 6,470,885 B1 (Blue et al.) and/or U.S. Patent Application Publication No. US 2002/0195105 A1 (Blue et al.), an application published under 35 U.S.C. § 122(b). Applicants reserve the right to challenge the patentability of any of these claims on any grounds in any appropriate forum.

CERTIFICATE UNDER 37 C.F.R. 1.10:

The undersigned hereby certifies that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated below and is addressed to the Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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28 OCTOBER 2003

Date

Respectfully submitted for
Schmidt et al.

By
Muetting, Raasch & Gebhardt, P.A.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket Number	Anticipated Classification		Prior Application	
	Class	Subclass	Examiner	Art Unit
225.00010124				

**REQUEST FOR FILING A CONTINUATION APPLICATION
UNDER RULE §1.53(b)**

MAIL STOP PATENT APPLICATION

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request for filing a continuation application under 37 CFR §1.53(b) of Serial No. 10/370,799, Confirmation No. 8386, filed on 20 February 2003, entitled CONTROL OF SUPPLEMENTAL RESPIRATORY OXYGEN by the following inventor(s) (name, address, and citizenship) listed below.

1. **Matthew F. Schmidt**
Address: **738 Country Lakes Drive**
Lino Lakes, MN 55014
Citizenship: **United States of America**

2. **John S. Buan**
Address: **15412 64th Place North**
Maple Grove, MN 55311
Citizenship: **United States of America**

3. **Catherine A. Nordman**
Address: **1875 Selby Avenue**
St. Paul, MN 55104
Citizenship: **United States of America**

1. Enclosed is a copy of the specification (including claims, abstract, and drawings) as filed in the prior application.
2. X Enclosed is a new specification (including claims and abstract). The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference.
3. X Enclosed is a copy of the Declaration and Power of Attorney filed in the prior application.
4. Enclosed is a newly executed Declaration and Power of Attorney.
5. X Enclosed are drawings (5 sheets).

6. Cancel in this application claims ____ before calculating the filing fee. (At least one independent claim must be retained for filing purposes.)
7. A preliminary amendment is enclosed.
8. The filing fee is calculated below:

CLAIMS AS FILED			
NUMBER FILED	NUMBER EXTRA	RATE	BASIC FEE \$385
Total Claims 80-20 =	60	\$9	\$540
Independent Claims 14 -3 =	11	\$43	\$473
MULTIPLE DEPENDENT CLAIM PRESENTED		\$140	\$--
		FILING FEE:	\$1,398

9. PLEASE DEFER THE \$1,073 FILING FEE AT THIS TIME.
10. The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-4895.
11. This application is being filed by less than all of the inventors named in the prior application. Please delete the names of the following inventor(s) who are not inventors of the invention claimed in the present application:
12. Amend the specification by inserting as the first sentence on page 1, the following:
13. Priority of foreign application Serial No. ___, filed on ___ in (country) ____ is claimed under 35 U.S.C. §119.
14. The prior application is assigned of record to Minnesota Innovative Technologies and Instruments Corporation.

15. X The Power of Attorney in the prior application is to:

Kevin W. Raasch
Mueting, Raasch & Gebhardt, P.A.
P.O. Box 581415
Minneapolis, MN 55458-1415
Customer Number 26813

16. X Small Entity Status is entitled to be asserted in the above-identified application.

Filed: Herewith

Title: **CONTROL OF RESPIRATORY OXYGEN DELIVERY**

17. X Application Data Sheet

Address all future communications to:

MUETING, RAASCH & GEBHARDT, P.A.
P.O. Box 581415
Minneapolis, Minnesota 55458-1415

Attn: Kevin W. Raasch
(Telephone: 612-305-1220)
(Facsimile: 612-305-1228)

Date: 28 OCTOBER 2003

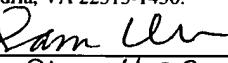


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Name: SAM HER